

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 20-302(1) (ADM/ECW)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING**

DAMIEN LASHAUN NELSON

Defendant.

The probation officer has calculated a guideline range of Level 26/Category VI = 120-150 months. This is the same guideline range contemplated by the plea agreement. The United States moves for the third point for acceptance of responsibility. Pursuant to paragraph 12 of the plea agreement, the government seeks a sentence of 120 months.

A sentence of 120 months is fully warranted. The defendant committed a serious offense. A multi-convicted felon, he possessed a sawed-off shotgun that was not registered to him as required by law. There is no legitimate sporting purpose for such a weapon. It was not cased and locked away. Rather, it was hidden in a dog crate in the living room of the defendant's residence where it was easily accessible to him. See Attachment 1.¹

The defendant's lengthy and violent criminal record also supports a sentence of 10 years. He has seven prior felony convictions for domestic assault and/or violation of an

¹ Paragraph 20 of the August 10, 2021 version of the PSR incorrectly states that the shotgun was stolen. Dkt. 78 at ¶ 20. It was not. That version of the PSR elsewhere states that a revolver located in a bedroom was stolen and recommends a two-level enhancement based on that alleged fact. Dkt. 78 at ¶ 33. However, neither the shotgun nor the revolver was stolen, so the recommended two-level enhancement should not be applied. This does not change the guideline range because the total offense level without the incorrect enhancement already exceeds the Level 29 maximum. See PSR ¶ 34.

order of protection. Yesterday, he was sentenced to 280 months in state court for sex trafficking of a female victim and criminal sexual conduct with the same person. See PSR ¶¶ 65-66. He will serve about two-thirds of that sentence. His criminal history also reflects many instances of probation violations and absconding from supervision. PSR ¶¶ 46,47, 49-53, 58, 60. This suggests a high likelihood that he will re-offend yet again upon his release in this case.

For the foregoing reasons, the United States seeks a sentence of 120 months.

Dated: August 24, 2021

Respectfully submitted,

W. ANDERS FOLK
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s/ Jeffrey S. Paulsen

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